

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RICHARD WAYNE GILLINGHAM,

Petitioner,

vs.

JIM SALMONSEN; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

Cause No. CV 21-39-M-DLC

ORDER

On April 1, 2021, Petitioner Gillingham moved to proceed in forma pauperis with a petition for writ of habeas corpus under 28 U.S.C. § 2254. *See* Pet. (Doc. 1); Mot. to Proceed (Doc. 2).

The Court has addressed this matter before. *See, e.g.,* Order (Doc. 5) & Exs. (Docs. 5-1, 5-2), *Gillingham v. Montana*, No. CV 20-74-M-DLC (D. Mont. June 3, 2020); Order (Doc. 17), *Gillingham v. Kirkegard*, No. CV 12-162-M-DLC-JCL (D. Mont. Mar. 19, 2013); *see also* *Gillingham v. Montana*, No. CV 20-31-M-DLC (D. Mont. Mar. 13, 2020); *Gillingham v. Montana*, No. CV 19-182-M-DLC-KLD (D. Mont. Nov. 13, 2019); *Gillingham v. Guyer*, No. CV 19-04-M-DLC-JCL (D. Mont. Jan. 3, 2019); *Gillingham v. Kirkegard*, No. CV 14-212-M-DLC-JCL (D. Mont. Aug. 22, 2014); *Gillingham v. Kirkegard*, No. CV 13-77-M-DWM (D.

Mont. Apr. 18, 2013); *Gillingham v. Kirkegard*, No. CV 12-162-M-DLC-JCL (D. Mont. Sept. 21, 2012); *Gillingham v. District Court Judge Harkin*, No. CV 06-16-DWM-LBE (D. Mont. Feb. 15, 2006).

For the reasons the Court has already explained, *see, e.g.*, Order (Doc. 5) at 1–4, *Gillingham*, No. CV 20-74-M-DLC (D. Mont. June 3, 2020), it continues to lack jurisdiction to hear claims that were or could have been brought in the petition *Gillingham* filed in 2006 or 2012.

Accordingly, IT IS ORDERED:

1. *Gillingham*'s motion to proceed in forma pauperis (Doc. 2) is DENIED.
2. *Gillingham*'s petition is DISMISSED for lack of jurisdiction.
3. A certificate of appealability is DENIED. The clerk shall immediately process the appeal if *Gillingham* files a notice of appeal.
4. The clerk shall enter, by separate document, a judgment of dismissal.

DATED this 5th day of April, 2021.



Dana L. Christensen, District Judge
United States District Court